R E P O R T R E S U M E S

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THE RELATIONSHIP BETWEEN A COLLEGE AND ITS STUDENTS.

BY- CALLIS, ROBERT
AMERICAN PERSONNEL AND GUIDANCE ASSN., WASH., D.C.

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WHETHER A COLLEGE STANDS IN RELATION TO ITS STUDENTS AS A PARENT TO A CHILD (IN LOCO PARENTIS) OR AS A PHYSICIAN TO HIS PATIENT (IN LOCO DOCTORIS) CAN BE VALIDATED BY STUDENT PERSONNEL WORKERS BY ANSWERING THE QUESTION, "IS THIS RELATIONSHIP NECESSARY AND DESIRABLE IN ORDER FOR THE COLLEGE TO PERFORM ITS MISSION, WHICH IS LEGALLY THAT OF EDUCATION." EDUCATION IS DEFINED AS THE TRAINING OF THE MIND. THE DEVELOPMENT OF ENRICHED EMOTIONAL RELATIONSHIPS WHICH A COLLEGE HAS WITH ITS STUDENTS, THEREFORE, IS AN EDUCATIONAL ONE (BRADY AND SNOXALL, 1965) TO CARRY OUT ITS LEGAL MISSION OF EDUCATION. OPERATIONAL PROCEDURES THUS ADOPTED BY A COLLEGE MUST SUPPORT THE PURPOSE OF EDUCATION OR BE ABANDONED. AN EVALUATION OF CURRENT STUDENT PERSONNEL PRACTICES MAY INDICATE SUPPORT FOR THIS DOCTRINE OR REVEAL GAPS IN EXISTING PROCEDURES IN SUCH AREAS AS ENRICHED EMOTIONAL CAPACITY AND SOUND ETHICAL VALUES. THE AUTHOR SUGGESTS THAT STUDENT PERSONNEL WORKERS BE LESS CONCERNED ABOUT BEING PARENTS AND MORE CONCERNED ABOUT BEING EDUCATORS. THIS SPEECH WAS PREPARED FOR THE AMERICAN PERSONNEL AND GUIDANCE ASSOCIATION CONVENTION (WASHINGTON, D.C., SESSION 78, APRIL 4, 1966). (RM)

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SPEECH

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FROM A.P.G.A. CONVENTION
AMERICAN PERSONNEL AND GUIDANCE ASSOCIATION
1605 NEW HAMPSHIRE AVE N W WASHINGTON 9, D.C.

U.S. DEPARTMENT OF HEALTH, EDUCATION & WELFARE
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Title - THE RELATIONSHIP BETWEEN A COLLEGE AND ITS STUDENTS

Author - Robert Callis, Dean of Extra Divisional Administration
University of Missouri, Columbia, Missouri

The question before us of loco parentis and loco doctoris is basically a question of: What is the relation of a college to its students? Here I use college in the broad sense of any institution of higher education. I will not attempt to distinguish between public and private colleges since for the topic that I will try to develop there need be no such distinction.

We need to start with the fundamental mission of the college. A college is a corporation. It has a legal entity as such. It may have been created by a charter, by a provision of a state constitution or an act of a state legislature. The college has a purpose or mission as set forth in its charter. That purpose is to educate.

Education may be defined in a variety of ways by different colleges or different bodies which might establish or charter a college, but there would be a common core in all definitions.

The authority to govern the college is vested in its board of control and therefore the power to govern the college is not vested in the faculty and/or students. The board of control, of course, has the authority to delegate certain authority to its officers, faculty and students when it so desires. Thus, a college is not a political democracy in which the power of government resides in the "people" (faculty and/or students).

It has been made rather clear over a series of court decisions that a college has rather wide discretionary authority in establishing ways and means, rules and regulations, to carry out its mission. The college is obligated to limit its operations to those that are necessary and desirable to carry out its mission and these operations must be characterized by a sense of reason and fair play.

This leads us then to the question of what is education? American higher education in contrast to traditional continental European higher education has always used a definition of education broader than simply training of the mind or the intellect. British and American higher education includes in their concept of education not only the training of the mind but the development of mature judgment and sound ethical values which the individual uses to guide himself in the use of his intellect. Also, in addition to or as a part of the above most American colleges have incorporated into their definition of education the development of an enriched emotional capacity, social competence and physical well being of the student. Not all individual educators would subscribe to this broader definition of education, however, this is the definition that must be inferred as typical of American higher education from review of statements concerning philosophy of higher education and inferences made from the operations practiced by the vast majority of American colleges. Thus, whatever a college does, whatever relationships it establishes with its student must be justifiable and defensible as necessary and desirable in order to execute its mission of education. Whether a college stands in relation to its students as a parent as in relation to its child or as a physician stands in relation to his patient is validated or invalidated by answering the question: "Is this relationship necessary and desirable in order for the college to carry out its mission of education?"

It has become traditional in American higher education to conceive of the relationship of a college to its students as that of loco parentis (Bakken, 1961). The authority most often cited for this doctrine is a 1913 Kentucky Supreme Court case of Gott vs. Berea College in which the court ruling stated in part "College authorities stand in loco parentis concerning the physical and moral welfare, and mental training of the pupils, and we are unable to see why to that end they may not make any rule or regulation for the government or betterment of their pupils that a parent could for the same purpose...." Strickland (1965), in a very insightful analysis of this doctrine of loco parentis, pointed out that a college cannot have the exact and identical relationship with its student that parents have with their children because if this were true, then the college would be liable for their students' purchases of necessities, the colleges could impose the same corporal punishment as parents, minor students could not marry without the college's consent, colleges would have a general duty to financially support their students, and colleges would have a right to the earnings of their students. Thus, the doctrine of loco parentis is at best a partial analogy used to describe the relationship that a college has with its students. Brady (Brady and Snoxell, 1965) rejected both the doctrine of loco parentis and the one of contractual relationship as the desirable relationship that a college should have with its students and attempted to formulate and describe the desired relationship as an educational one. He indicates that the fact that there are some commonality between this educational relationship between a college and its students and the parental relationship that between a parent and a child and a legal contractual relationship

between the two parties is at best incidental to the controlling and fundamental aspects of this educational relationship between a college and its students. To me Brady's arguments concerning the relationship of a college to its students make more sense than any other formulation in the literature.

Thus, I would reject the doctrine of loco parentis and the doctrine of contractual relationship as a basis for the relationship between a college and its students and in their stead adopt the doctrine of educational relationship very much as Brady has formulated it. The mission which the college is authorized to perform is education, and, therefore, the relationship between a college and its students is an educational one. Whatever operational procedures and regulations which a college wishes to adopt that can be justified as aiding and abetting the education of students must be considered as proper. Any correspondence that this educational relationship may have to the nature and functions of a political democracy, courts of law, and social institutions such as the family are to be considered purely correlational and not causal.

When we apply this doctrine of educational relationship to the various facets of our student personnel program, we are quite apt to come out with approximately the same operational results as our current practice. However, when we do so, we will have a philosophy of education and a philosophy of student personnel work that is applicable to all students whether they be minors or adults, male or female, residents or commuters. If we find a given practice cannot be justified as contributing to the education of student according to this doctrine, we will be forced to abandon it. On the other hand, we may find certain gaps in our procedures, that is, we may find that we are doing nothing to attempt to achieve a certain facet of our educational goal. I am thinking here, for example, of the goal of enriched emotional capacity and sound ethical values.

It is my observation that the American college of today has either by default or by intention relegated to student personnel services those facets of our educational goals which do not deal directly with the training of the intellect. Consequently, this assigns to us the most difficult facet of our educational operations. How well have we conceptualized our task? Have we assembled a staff that is capable of achieving these facets of our total educational mission and have we established educational procedures in the student personnel realm which have reasonable prospect of bringing our students to the desired standing of judgment and ethical values?

My plea then, in closing, is for us to forget about being substitute parents and start being educators in a most real and challenging sense of the word.

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